

***de maximis, inc.***

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December 15, 2017

**VIA ELECTRONIC & US MAIL**

Ms. Jennifer LaPoma  
ATTN: Lower Passaic River Remedial Project Manager  
Emergency and Remedial Response Division  
U.S. EPA, Region 2  
290 Broadway, 19th Floor  
New York, New York 10007

**Re: Monthly Progress Report No. 127 – November 2017  
Lower Passaic River Study Area (LPRSA) Remedial Investigation/Feasibility Study  
(RI/FS)  
CERCLA Docket No. 02-2007-2009**

Dear Ms. LaPoma:

**de maximis, inc.** is submitting this Monthly Progress Report for the above-captioned project on the behalf of the RI/FS Agreement Settling Parties (Cooperative Parties Group or CPG) pursuant to the Administrative Settlement Agreement and Order on Consent (Settlement Agreement or AOC). The Progress Report satisfies the reporting requirements of Paragraph 42 of said Settlement Agreement. The CPG has revised this Progress Report to address the Region's direction in its September 1, 2015 letter about Section (d).

**(a) Actions which have been taken to comply with this Settlement Agreement during the previous month.**

**Meetings/Conference Calls**

- On, November 2, EPA Region 2 (Region 2), CPG and Region 2 and CPG consultants met to continue discussion of CPG's Upper 9-mile Plan.
- On November 6, Region 2 and CPG held a conference call to continue discussion of Region 2 comments on the Draft 17-mile Baseline Ecological Risk Assessment (BERA).
- On November 29, Region 2 and CPG held a conference call to continue discussion of the Upper 9-mile Plan presentation materials and narrative provided to Region 2.

**Correspondence**

- On November 1, CPG provided Region 2 with the presentation materials for the November 2 meeting to discuss CPG's Upper 9-mile Plan.
- On November 2, Region 2 provided CPG with an updated version of its presentation materials for the November 2 meeting to discuss the Upper 9-mile Plan.



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- On November 7, Region 2 provided CPG a copy of the sign in sheet from the November 2 meeting to continue discussions on the Upper 9-mile Plan.
- On November 7, CPG consultants requested clarification from Region 2 regarding methods for calculating revised Toxicity Reference Values (TRVs) for the revised Draft 17-mile BERA.
- On November 9, CPG and Region 2 exchanged emails regarding the development of a presentation on the Upper 9-mile Plan by CPG for Region 2 to support a call scheduled with the Contaminated Sediments Technical Advisory Group (CSTAG) on December 4.
- On November 9, CPG provided schedule information to Region 2 regarding the development of presentation materials for the CSTAG call and the submittal of revised sections of the Draft 17-mile Remedial Investigation (RI) Report to Region 2.
- On November 10, Region 2 provided comments to CPG on the revised Draft 17-mile RI Report reach by reach analysis.
- On November 14, Region 2 provided additional information on select TRVs for the Draft 17-mile BERA to CPG.
- On November 15, CPG delivered the October Monthly Progress Report to Region 2.
- On November 15, Region 2 provided responses to CPG on two issues discussed during the November 6 conference call on the revised Draft 17-mile BERA.
- On November 21, CPG consultants provided proposed language and calculations for the revised Draft 17-mile BERA to Region 2 for review.
- On November 22, CPG provided two Upper 9-mile Plan Phase 1 Interim Remedy Presentations to Region 2 and scheduled a November 29 follow-up call to discuss.
- On November 27, CPG submitted an updated Upper 9-mile Plan to Region 2.
- On November 27 CPG provided a proposed agenda for the scheduled December 7 meeting with Region 2 to discuss the Bioaccumulation Model revisions.
- On November 29, CPG provided Region 2 a proposed schedule for the revised Draft 17-mile RI Report delivery.
- On November 29, Region 2 responded to a question from CPG regarding the presentation of figures in the revised Draft 17-mile RI Report relating to the reach by reach analysis.
- On November 30, Region 2 responded to questions from CPG regarding the methods for calculating revised TRVs for the revised Draft 17-mile BERA.
- On November 30, CPG uploaded draft text, figures, and tables of Sections 1 through 3 of the revised Draft 17-mile RI Report to the EPA's SharePoint site.

### **Work**

- CPG continued work to address Region 2's comments on the revised Draft 17-mile RI Report and Model Appendices.
- CPG continued work on calibration of the revised LPR/Newark Bay CFT model.
- CPG continued work on revision of the LPR Bioaccumulation Model.
- CPG continued work to address Region 2's June 30 comments and July 24 meeting discussion on the revised Draft 17-mile BERA.



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- CPG continued work on preliminary identification and evaluation of Upper 9-mile remedial alternatives.
- CPG responded to Region 2 comments and questions on the Upper 9-mile Plan.

**(b) Results of Sampling and Tests**

- None.

**(c) Work planned for the next two months with schedules relating to the overall project schedule for RI/FS completion**

- CPG will continue work on the revised Draft 17-mile RI Report and Model Appendices in response to Region 2 comments with an anticipated delivery revised sections in December 2017 and January 2018.
- CPG will continue calibration of the revised LPR/Newark Bay CFT model and continue to work with HDR to complete the calibration.
- CPG will continue revising the LPR Bioaccumulation Model pursuant to Region 2 comments.
- CPG will continue to revise the Draft 17-mile BERA to address the ongoing Region 2 responses from the July 24 meeting with an anticipated delivery in December 2017.
- CPG will continue preliminary identifications of remedial alternatives for the upper 9-miles.

**(d) Problems encountered and anticipated problems, actual or anticipated delays, and solutions developed and implemented to address actual or anticipated problems or delays.**

- **Remedial Investigation (RI) Report** – The CPG delivered a draft of RI Report Section 4 - Reach-by-Reach Analysis for the Upper 9-Mile Plan to EPA on August 31. CPG provided revised Draft RI Report Sections 1 – 3 to Region 2 on November 30. The CPG will continue revisions to the Draft 17-mile RI Report and provide revised sections in December 2017 and January 2018.
- **Feasibility Study (FS)** – Region 2 and the CPG are currently discussing refocus of the FS to the Upper 9-miles and accelerating its completion.
- **Baseline Ecological Risk Assessment (BERA)** - The CPG anticipates providing the revised BERA in December 2017.
- **Other Documents** - There are number of reports and technical memos (both original and revised submissions) that have been submitted to Region since 2011 that the CPG is awaiting either approval or Region 2's comments. These reports include:

1. Upstream Reference Benthic Data Report – submitted August 2013



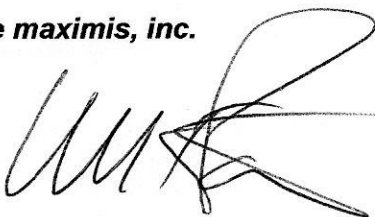
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2. Background Sediment Data Report – submitted October 2013

If you have any questions, please contact Rob Law or me at (908) 735-9315.

Very truly yours,

**de maximis, inc.**



Willard Potter  
CPG Project Coordinator

cc: Frances Zizila, EPA Region 2 Office of Regional Counsel  
William Hyatt, CPG Coordinating Counsel  
Lisa Baron, USACE  
Clay Stern, USFWS  
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